THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 12336 of 2007

Dated 14th June 2007

Between:

Y.Yugandhar & others

... Petitioners

and

The A.P.Housing Board, rep.by its Vice Chairman & Housing Commissioner, Gruhakalpa, M.J.Road, Hyderabad & another.

... Respondents

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O R D E R:

The petitioner is a consumer of electricity under Category-II. A notice of provisional assessment was issued against him, on 21.4.2005. He filed W.P.No.6803 of 2006, against it. The writ petition was disposed of, directing the 2nd respondent to consider the objection of the petitioner, while passing order of final assessment. The petitioner claims to have submitted representations on 10.4.2006, 24.5.2006 and 25.1.2007. The

2nd respondent passed an order of final assessment, holding that the petitioner is liable to pay electricity charges of Rs.3,03,243/-. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and learned

Standing Counsel for the respondents.

It is not in dispute that against an order of final assessment, an appeal is provided under Section 127 of the Electricity Act, to the Superintending Engineer (Assessment). The provision, however, mandates that 1/3rd of the assessed amount must be paid, as a condition precedent, for availing the remedy. In the instant case, except making a reference to the representations made by the petitioner, the 2nd respondent did not advert to the same. Though the proceedings are not judicial in nature, before fastening the liability upon the consumer, the authorities are under obligation to assign reasons, while rejecting the ground pleaded by the consumer. It is no doubt true that the

2nd respondent had reduced the amount from Rs.5,33,677/- indicated in the notice of provisional assessment, to Rs.3,03,243/-, in his order of final assessment.

For the foregoing reasons, the writ petition is disposed of, directing that the appeal that may be preferred by the petitioner, within two weeks from today, shall be entertained by the appellate authority, under Section 127 of the Electricity Act, on depositing a sum of Rs.75,000/- (seventy five thousand) by the petitioner.

On such deposit, the respondents shall also restore the power supply.

There shall be no order as to costs.

14th June 2007

PAN